

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s)	:	Modak. <i>et al.</i>	Customer No.	:	21003
Serial No.	:	10/600,257	Confirmation No.	:	7493
Filed	:	6/20/03	Group Art Unit	:	1615
Examiner	:	AZPURU, CARLOS A			
For	:	ANTIMICROBIAL MEDICAL DEVICES			

**PETITION UNDER 37 C.F.R. § 1.28(c)**

**FILED ELECTRONICALLY VIA EFS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for the acceptance of a deficiency payment pursuant to 37 C.F.R. § 1.28(c) in the amount of \$4,407.00.

Applicants have discovered that they have erroneously paid, without deceptive intent, the following fees at the applicable small entity rates in the above identified patent application:

Type of Fee Erroneously Paid as small entity	Small Entity Fee Actually Paid	Date of Payment	Current Fee	Deficiency Amount Owed
Extra claim fee for 68 extra claims (\$9 per each extra claim in excess of 20)	\$612.00	6/20/03	\$3,536.00 (\$52.00 per each extra claim in excess of 20)	\$2,924.00
Fee for 6 extra independent claims (\$42 per each extra independent claim in excess of 3)	\$252.00	6/20/03	\$1,320.00 (\$220.00 per each extra independent claim in excess of 3)	\$1,068.00
Request for Continued Examination	\$395.00	9/7/05	\$810.00	\$415.00
<b>Total Deficiency Owed</b>				<b>\$4,407.00</b>

Therefore, applicants request the amount of \$4,407.00 be deducted from our Deposit Account No. 02-4377 for the deficiency payment as required by 37 C.F.R. § 1.28(c)(2).

Applicants believe no additional fee is due in connection with this petition. If any fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.



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Mar. 1, 2010

Date